

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 151 - HB 360

March 28, 2021

SUMMARY OF ORIGINAL BILL: Requires the Department of Commerce and Insurance (DCI) to issue a report and an educational presentation to the General Assembly no later than January 31 of each year regarding the methodologies and approaches used by the DCI to ensure health plans are in compliance with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equality Act of 2008.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005070): Deletes all language after the caption. Requires DCI to issue a report and an educational presentation to the General Assembly no later than January 31, 2022 and each year thereafter, regarding the methodologies and approaches used by the DCI to ensure health plans are in compliance with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equality Act of 2008.

Requires DCI to request copies of the non-quantitative treatment limitations (NQTL) analyses submitted to the United States Department of Labor and the United States Department of Health and Human Services the previous year in compliance with the federal Consolidated Appropriations Act of 2021 and incorporate the analyses into the annual report and presentation to the General Assembly.

Expands the list of items DCI is required to analyze and include in the annual report and presentation, including: (1) list of health plans sold in this state and over which of these plans the department has jurisdiction; (2) the number of full scope examinations initiated and completed, including compliance with parity in mental health or alcoholism or drug dependency benefits under state and federal laws; (3) information regarding denials of claims or requests for residential treatment or other inpatient treatment; and (4) denials of in-network authorization or denials of out-of-network services or claims where there is not an in-network provider within 75 miles of the insured patient's home.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Public Chapter 1012 of 2018 required DCI to issue a one-time report and presentation to the General Assembly no later than January 31, 2020 regarding methodologies and approaches used by the Department to ensure health plans are in compliance with federal statute.
- The DCI received an Actuarial and Compliance Analyst 2 position to accomplish the requirements of Public Chapter 1012.
- The proposed legislation will require the report and presentation be annual, and expands the list of items DCI is required to analyze and present on, including data the DCI does not currently collect.
- Based on information provided by the DCI, to accomplish the proposed legislation the DCI will reclassify the Actuarial and Compliance Analyst 2 position to an A&C Director position with expertise in the mental health field to collect and analyze the required data.
- The DCI can reclassify the position within existing resources; therefore, any fiscal impact to the DCI is estimated to be not significant.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- The proposed legislation will not have a significant impact on commerce or jobs in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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